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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,980	07/24/2001	Fabio Casati	10008270-1	3418

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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,980

Applicant(s)

CASATI ET AL.

Examiner

Ted T. Vo

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

RD

DETAILED ACTION

1. This action is in communication to the Appeal Brief before the Board of Patent Appeals and Interferences, the brief filed on 05/11/2005.

Claims 1 and 3-38 are pending in the application.

Response to Arguments

2. In view of the Appeal Brief filed on 05/11/2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The claims 1-22, 23-27, 28, 37-38 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. As per Claims 1-22: The Claims are started with the independent Claim 1, where the preamble of Claim 1 stated, "**A model for compiling...**". The preamble solely refers to a model where this model comprises merely the non-functional descriptive materials such as service node, flow diagram of the services mode and method nodes. This type of claiming is more than an abstract idea. It could simply pop up in mind of a person, or with pen/pencil and a piece of paper one can draw the nodes/diagrams as recited in this Claim. Furthermore, the claim as a whole does not provide any concrete and practical result because it is a mere model as stated in the preamble. The Claim thus is claiming an abstract idea without producing a "useful, concrete and tangible" result.

According to the analysis above, Claim 1 is more than an abstract idea that fails to meet the statute of 35 USC § 101 as set forth.

Dependent Claims 2-22 also fail to remedy the deficiencies of independent claim 1.

Claims 1-22 thus are an abstract idea and held nonstatutory.

As per Claims 23-27: The Claims are started with independent Claim 23, where the preamble of Claim 23 stated, "**A computer tool for compiling...**". The body of the claim is a mere list of functional descriptive materials such as a computer code for representing a plurality service nodes and computer code for compiling a set of the service node. This tool fails to be tangible. This tool is a list of functional descriptive materials. Therefore, it is a program per se.

According to the analysis above, Claim 23 is a program per se. Such a claim fails to recite the patentable subject matter as required under the statute of 35 USC § 101 as set forth.

Dependent Claims 24-27 also fail to remedy the deficiencies of independent claim 23.

Claims 22-27 thus are a program per se and held nonstatutory.

As per Claim 28: The preamble of Claim 28 stated, "**A computer tool for compiling a specification of a process and executing the specification of the process comprising:**". First of all, "executing the specification" is only an intended use and an abstract idea that cannot limit this preamble toward tangibility. Second, the body of the claim is a mere list of functional descriptive materials solely indented to a purpose. E.G., "for representing..., for compiling..., for executing...". This list of functional descriptive materials fail to be tangible. Therefore, it is a program per se, and held nonstatutory.

As per Claims 37-38: The analysis of Claims 37-38 has the same rationale as addressed in Claim 22 or/and Claim 28 above. These Claims are claiming a program per se, and held nonstatutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Casati et al., "eFlow: A Platform for Developing and Managing Composite E-Services", IEEE, April 2000.

As per claim 1: Casati discloses,

"A model for compiling a specification of a process definition comprising:

service nodes, wherein each of said service nodes is a representation of a consumer service

(See page 344, right column section 4.1, referring to "generic service node"; for example, "Furniture moving services");

a first flow diagram sequencing said service nodes as a representation of the process definition

(see page 346, the flow in the Figure 7, referring to "generic Process Definition"); and

method nodes, wherein each of said method nodes is a representation of executable operations inherent to a consumer service represented by one of said service nodes" (see Figure 7, for example, "Storage Space rental" [method node]; see page 342, left column, first full paragraph, "different eMove services", see section 3, "service execution and data exchange" [representation of executable operations], see page 343, section 3, "service execution and data exchange" [representation of executable operations]).

As per claim 3: Casati discloses, *"The model as set forth in claim 1 further comprising: wherein each of said service node is expandable into a second flow diagram of method nodes"* (see Figure 7, for example, the diagram shown with "process definition", or See Figures 2-3, referring to Emove Levels).

As per claim 4: Casati discloses, *"The model as set forth in claim 1 wherein each of said service nodes is executed by accessing an electronic service registered on an electronic service platform"* (See page 341, right column, first full paragraph, "eFlow").

As per claim 5: Casati discloses, *"The model as set forth in claim 1 wherein each of said service nodes comprises: consumer service-level properties"* (For example, see Figure 7, referring to "Furniture Moving Service").

As per claim 6: Casati discloses, *"The model as set forth in claim 5 wherein said consumer service-level properties comprises: a service search recipe or service selection rule"* (For example, see Figure 7, service search recipes for Furniture Moving Services is a sub set of its service node).

As per claim 7: Casati discloses, *"The model as set forth in claim 5 wherein said consumer service-level properties comprises: a service reuse"* (See page 345, section 5, referring to "service data repositories").

As per claim 8: Casati discloses, *"The model as set forth in claim 5 wherein said consumer service-level properties comprises: a service-inherent method flow"* (For example, see Figure 1, "service provide B" where "B" is inherent in Billing, Credit card Verification, Credit check, etc.).

As per claim 9: Casati discloses, *"The model as set forth in claim 1 wherein each of said service nodes comprises: consumer authentication properties"* (See Figure 1, In Service Provider B, such a "Billing", "Credit card Verification", or "Credit check", etc., requires consumer authentication properties).

As per claim 10: Casati discloses, *"The model as set forth in claim 1 wherein each of said service nodes comprises: consumer and service certification properties"* (See Figure 1, In Service Provider B, for example, such a "Storage Space rental", or "Truck rental", etc., requires consumer certification properties).

As per claim 11: Casati discloses, *"The model as set forth in claim 1 wherein each of said service nodes comprises: service-level exception handling rules"* (See page 345, left column, section 4.2, first paragraph).

As per claim 12: Casati discloses, *"The model as set forth in claim 1 wherein each of said service nodes comprises: the definition of interaction flow, defining how the interaction with the service is conducted"* (See page 345, left column, section 4.2, first paragraph, "new laws or business policies").

As per claim 13: Casati discloses, *"The model as set forth in claim 1 wherein each of said method nodes comprises: representations of a service operation including operations executed within the context of at least one of said service nodes registered with a electronic services platform"* (See page 344, right column, see last paragraph, and referring "eFlow" as electronic service platform).

As per claim 14: Casati discloses, *"The model as set forth in claim 13 each of said method nodes further comprises: the service operation to call"* (See pages 342-343, referring to Emove Levels).

As per claim 15: Casati discloses, *"The model as set forth in claim 13 each of said method nodes further comprises: invocations for a specific operation of the method node"* (See page 343, section 3, see right column, last paragraph, "parallel invocation").

As per claim 16: Casati discloses, *"The model as set forth in claim 13 each of said method nodes further comprises: input data, including formatting and handling specifications"* (See page 346, Figure 7, referring to "data collection").

As per claim 17: Casati discloses, *"The model as set forth in claim 13 each of said method nodes further comprises: output data, including formatting and handling specifications"* (See page 346, Figure 7, referring to "data collection").

As per claim 18: Casati discloses, "*The model as set forth in claim 13 each of said method nodes further comprises: method-level exception handling rules*" (See page 344, left column, see section 4.2, first paragraph).

As per claim 19: Casati discloses, "*The model as set forth in claim 1 wherein said specification is a composition of individual electronic services*" (See abstract, referring to "composite").

As per claim 20: Casati discloses, "*The model as set forth in claim 1 applied in a distributed computer network environment*" (See abstract, referring to "Web").

As per claim 21: Casati discloses, "*The model as set forth in claim 1 wherein said process is a workflow*" (See abstract, referring to "eFlow").

As per claim 22: Casati discloses, "*The model as set forth in claim 1 wherein said process is a composite electronic service*" (See abstract, referring to "composite e-service").

As per Claim 23: Regarding limitation: "*A computer tool for compiling a specification of a process comprising:*

computer code for representing a plurality of individual services as service nodes, wherein each of said service nodes is representative of a respective service invocation setup phase for each of the individual services; and computer code for compiling a set of the service nodes into a composite service forming a generically defined flow for said process", the claim is a computer tool that has claimed functionality corresponding to Claim 1. Claim is rejected in the same reason set forth in connecting to the rejection of Claim 1.

As per Claim 24: Regarding limitation: "*The computer tool as set forth in claim 23 comprising: said service nodes are expandable into method nodes, wherein method nodes are representative of at least one respective operation inherent to a respective one of the individual services which is expanded thereto*" (see Figure 7, for example, the diagram shown with "process definition", or See Figure 1, nodes surrounding Service Providers).

As per Claim 25: Regarding limitation: "*The computer tool as set forth in claim 24 comprising: said method nodes represent a plurality of inherent executable operations associated with a respectively associated one of the individual services*" (see Figure 7, For example, node "Storage space rental").

As per Claim 26: Regarding limitation: *"The computer tool as set forth in claim 23 comprising: each said service nodes provides executable functions related to setting up communication with each of said individual services"* (see page 341, section Introduction, right column, referring to "invoking several other basis or composite services").

As per Claim 27: Regarding limitation: *"The computer tool as set forth in claim 23 comprising: the composite service is a service node flow specifying generic functionalities common to said process"* (see Figure 1, page 342).

As per Claim 28: Regarding claim limitation:

"A computer tool for compiling a specification of a process and executing the specification of the process comprising:

computer code for representing a plurality of individual services as service nodes, wherein each of said service nodes is representative of a respective service invocation setup phase for each of the individual services (See action in Claim 1 above);

computer code for compiling a set of the service nodes into a composite service forming a generically defined flow of said process (See action in Claim 1 above);

computer code for executing the specification of the process represented by the generically defined flow by expanding each node of said set of the service nodes into method nodes (See action in Claim 3 above);

invoking functionalities of the individual services thereby, wherein each of said method nodes represent a plurality of inherent executable operations associated with a respectively associated one of the individual services" (See action in Claim 2 above).

As per Claim 29: Casati discloses, *"A method for structuring individual electronic services registered on an electronic service platform, the method comprising:*

providing a top level having service nodes representative of extracted common elements of the composite service (Referring to "eFlow", or "Service Providers", shown in Figure 1)

providing a subsidiary level, wherein said service nodes are expanded into method nodes for execution of specific operations inherent to a respective electronic service represented thereby; (See Figure 7, Referring to "Furniture Moving Service") and

providing linking nodes in the top level for connecting said service nodes into a process flow, wherein said flow forms a hierarchical specification having a sequential series of said individual electronic services (See Figure s, 2, 3, 4 etc.).

As per Claim 30: Casati discloses, *"The method as set forth in claim 29 further comprising: providing event nodes"* (see Figure 7, for example, "Storage Space rental" [event node]).

As per Claim 31: Casati discloses, *"The method as set forth in claim 30 in an internet environment"* (Referring to the term e-service).

As per Claim 32: Casati discloses, *"The method as set forth in claim 31 further comprising: executing a process for providing electronic services over the internet environment by executing the hierarchical specification"* (See Figure 7).

As per Claim 33: Casati discloses,

"A method of executing a given composite process, defined as including a plurality of individual electronic services registered on an electronic services platform, the method comprising:

segregating generic electronic services common to the given composite process from operations respectively inherent to each of said generic electronic services (See Figure 1, or referring to e-Service);

compiling a composite process flow using said generic electronic services; (Referring to eFlow);
and

invoking each operations functionalities of each of said generic electronic services by expansion of each of said generic electronic services into said operations only as needed to continue said composite process" (see Figure 7, for example, "Storage Space rental" [operations functionalities]. See page 342, left column, first full paragraph, "different eMove services" [expansion], and see section 3, "service execution and data exchange" [operations]).

As per Claim 34: Casati discloses,

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"The method as set forth in claim 33, said compiling further comprising: compiling a plurality of the individual electronic services (eFlow) as associated with a search for data associated with said given composite process having at least one requirement from each of said individual generic electronic services" (value-added service, page 341, section 1).

As per Claim 35: Casati discloses,

"The method as set forth in claim 33, said compiling further comprising: compiling a composite process definition as a sequential series of service nodes, wherein each said service node is a specification related to invoking communications with a specific one of said service nodes" (See Figures 2-3, etc.).

As per Claim 36: Casati discloses,

"The method as set forth in claim 35 said executing further comprising: including method nodes for each of said service nodes wherein said method nodes are invocations of operations inherent with an associated one of the generic electronic services" (See page 343, section 3, see right column, last paragraph, "parallel invocation").

As per Claim 37: Casati discloses,

"A computer tool for composing electronic service searching runtime criteria comprising:

computer code for structuring a plurality of service nodes (See Figure 1), wherein each of said service nodes is representative of a generic service and includes only those criteria essential to invoking said service (See page 344, right column section 4.1, referring to "generic service node" such as Furniture moving services);

computer code for invoking a plurality of method nodes, wherein a set of method nodes is representative of operations inherent to an associated one of said service nodes (see Figure 7, for example, "Storage Space rental" [method node]; See page 342, left column, first full paragraph, "different eMove services", see section 3, "service execution and data exchange" [representation of executable operations], see page 343, section 3, "service execution and data exchange" [representation of executable operations]); and

computer code for linking nodes sequencing said service nodes into a coherent flow representative of a composite service including more than one generic service (See Figure s, 2, 3, 4 etc.).

As per Claim 38: Casati discloses, "The tool as set forth in claim 37 comprising; computer code for handing event nodes" (See page 345, left column, section 4.2, first paragraph).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number, **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
Art Unit 2192
August 05, 2005